THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24889 of 1998

Dated : 14.03.2007

Between:

Annam Mruthyamjaya Rao S/o late Dana Rao

… **PETITIONER**

And:

The District Collector, Krishna at Machilipatnam
and another.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24889 of 1998

ORDER:

Petitioner is the owner of the land admeasuring Ac.0.50 cents in Sy.NO.415/1-C situated at Kodur village of Krishna District. The said land was proposed to be acquired by the Government for providing house sites to weaker sections of society, by issuing a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") on 30.07.1997. Further the petitioner alleges that a formal enquiry was conducted under Section 5-A of the Act and though the petitioner submitted objections for the proposed acquisition, no orders were passed thereon, instead, declaration under Section 6 of the Act was issued on 29.07.1998.

Now the grievance of the petitioner is that he is a small farmer and though there are other vacant lands nearby his land, only his land is proposed to be acquired. Hence, he seeks to set aside the notification issued under Section 4 of the Act and the consequent declaration issued under Section 6 of the Act.

Despite service of notice, the respondents have not chosen to file any counter.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

This Court, while issuing rule nisi on 04.09.1998, stayed all further proceedings in pursuance of the notification and declaration issued under Sections 4(1) and 6 of the Act, respectively. As the averments made in the affidavit filed in support of the writ petition are not controverted by the respondents by filing any counter, this Court is of the view that the averments in the affidavit shall be accepted.

Accordingly, the writ petition is allowed setting aside the notification dated 30.07.1997 issued under Section 4(1) of the Act and the declaration dated 29.07.1997 issued under Section 6 of the Act. There shall be no order as to costs.

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14.03.2007

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